



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,655	07/27/2001	Robert S. Horen	A-69479/RMA	8491

7590 01/31/2005

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187

EXAMINER

TRAN, NGHI V

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/916,655

Applicant(s)

HOREN ET AL.

Examiner

Nghi V Tran

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 33-54 is/are pending in the application.
- 4a) Of the above claim(s) 33-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) 5, 12 and 21 is/are objected to.
- 8) ☒ Claim(s) 1-24 and 33-54 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	101	(("5903719" "4964074" "5444458" "5877770" "4607366" "4887302" "5193169" "5243705" "5337156" "5349666" "5400293" "5452443" "5535362" "5630172" "5634042" "5732284" "5838610" "5897653" "5898396" "5901283" "5982398" "5986964" "6308244" "5623629" "4893114" "5303353" "5309398" "5333259" "5515539" "5524221" "5524226" "5530826" "5832251" "5884074" "5895482" "5959692" "5517038" "5691953" "5828673" "4287594" "4312067" "4467443" "4615030" "4757476" "4775954" "4799051" "4890261" "4894801" "5180683" "5212664").pn	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/01/25 16:23

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Invention I (claims 1-24) and Applicant's adding claims 33-54 in the reply filed on November 19, 2004 are acknowledged. However, the new claims 33-54 are not readable on the elected invention because claims 33-54 are still related as process for calculating resource quota as discussed in the previous restriction. Therefore, the examiner still maintains the restriction requirement because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement. The requirement is still deemed proper and is therefore made FINAL.

Invention II (claims 25-32) is canceled by applicant in the respond filed on November 19, 2004.

Claim Objections

2. Claims 5, 12 and 21 are objected to because of the following informalities:

With respect to claim 5, Applicants wrote, "... the asset group is associated with a guaranteed possible payouts value ... assuming no other asset is being played out at the same time ..." (emphasis added). The examiner interprets the term "assuming" means pretend to have or be. Therefore, a word "assuming" is unclear whether the limitations following the phrase are part of the claimed invention.

Art Unit: 2151

With respect to claim 12, the phrase, "... selected from the set consisting of a audio, text ..." (emphasis added) appears to be a typo error for--... selected from the set consisting of an audio, text ...--.

With respect to claim 21, the phrase, "... further comprising a asset group policy placement module ..." (emphasis added) appears to be a typo error for--... further comprising an asset group policy placement module ...--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 14 recites the limitation "a mass storage subsystem" in line 22.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 4, 7-17, 19, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belknap et al., U.S. Patent Number 5,586,264

(hereinafter Belknap) and RealNetworks, in view of "RealSystem G2 Production

Art Unit: 2151

Guide", <http://service.real.com/help/library/guides/productiong27/realpgd.htm>

(hereinafter Real).

Taking claim 1 as an exemplary claim, Belknap teaches a server computer (item 10) for use in a computer network having at least one client computer, the server computer characterized in that the server computer: sends media assets over said computer network to said client computer (column 2, lines 52-67), the server computer coupled to at least one file system (figure 1).

However, Belknap fails to teach a file system organized into a plurality of asset groups, each asset group comprising at least one media asset, and the media asset sharing storage medium bandwidth and storage space on the server computer that is reserved for the asset group to which the media asset belongs.

In a communication system, Real discloses a file system organized into a plurality of asset groups, each asset group comprising at least one media asset, and the media asset sharing storage medium bandwidth and storage space on the server computer that is reserved for the asset group to which the media asset belongs (chapter 7, pages 94-95).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Belknap in view of Real by organized at least one media asset into a plurality of asset groups and sharing bandwidth and space based on the media asset because this feature lowers bandwidth consumption. One of ordinary skill in the art at the time of application's invention

Art Unit: 2151

would have been motivated to modify Belknap in view of Real in order to stream a certain number of simultaneous media assets at any time.

Taking claim 2 as an exemplary claim, Belknap fails to teach each media asset belongs to only one asset group.

In a communication system, Real discloses each media asset belongs to only one asset group (chapter 7, pages 94-95).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Belknap in view of Real by specifying each media asset belongs to only one asset group because this feature avoids the conflict among the asset groups. One of ordinary skill in the art at the time of application's invention would have been motivated to modify Belknap in view of Real in order to increase the bandwidth without any cost.

Taking claim 4 as an exemplary claim, Belknap fails to teach that the asset group is limited to a maximum bit rate.

In a communication system, Real discloses the asset group is limited to a maximum bit rate at which any single media asset belonging to the asset group can be played out, further comprising an attribute which indicates the maximum bit rate (chapter 3, pages 33-34).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Belknap in view of Real by limiting the asset group to a maximum bit rate because this feature will share the bandwidth

Art Unit: 2151

among other asset groups. One of ordinary skill in the art at the time of the invention would have been motivated to modify Belknap in view of Real in order to decrease the bottleneck and to guarantee the streaming at any given time.

Taking claim 7 as an exemplary claim, Belknap further discloses an asset group policy placement module that places an asset group within the file system (figures 8-10).

Taking claim 8 as an exemplary claim, Belknap further discloses the asset group policy module distributes the asset group across multiple file systems (figures 8-10).

With respect to claim 9, Belknap further teaches a media asset placement policy module that places media assets within the asset group (figures 8-10).

Taking claim 10 as an exemplary claim, Belknap clearly teaches the media asset placement policy module places media assets within asset groups (figures 8-10).

However, Belknap fails to teach the media asset placement policy module places media assets within asset groups based on the reserved storage medium bandwidth and storage space.

Art Unit: 2151

In a communication system, Real discloses the media assets place in the asset groups based on the reserved storage medium bandwidth and storage space (chapter 7, pages 94-95).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Belknap in view of Real by placing media assets in asset groups based on the reserved storage medium bandwidth and storage with the media asset placement policy module because this feature can be done automatically or manually by users to place media assets into the asset groups that could be lower bandwidth consumption. One of ordinary skill in the art at the time of the invention would have been motivated to modify Belknap in view of Real in order to increase the flexibility of the system or the user friendly that any users could be able to place the media assets into asset groups.

With respect to claim 12, Belknap further teaches the media asset includes an asset selected from the set consisting of an audio, text, graphics, image, symbol, video, information item or token, and combinations thereof (column 1, lines 63-67 i.e. digital formats such as DVI, JPEG and MPEG).

With respect to claim 13, Belknap further teaches media asset comprises an audio, a video, or an audio-video media asset (column 1, lines 63-67 i.e. digital formats such as DVI, JPEG and MPEG).

Art Unit: 2151

With respect to claim 14, Belknap clearly teaches server computer comprises a mass storage subsystem (figure 1).

However, Belknap fails to teach the file system organized into the plurality of asset groups is defined in a mass storage subsystem.

In a communication system, Real discloses the file system organized into said plurality of asset groups (chapter 7, pages 94-95).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Belknap in view of Real by organized at least one media asset into a plurality of asset groups within a mass storage subsystem because this feature lowers bandwidth consumption with a mass storage subsystem. One of ordinary skill in the art at the time of the invention would have been motivated to modify Belknap in view of Real in order to stream a certain number of simultaneous media assets with a mass storage subsystem at any time.

With respect to claim 15, Belknap further teaches mass storage subsystem comprises at least one hard disk drive (item 16).

With respect to claim 16, Belknap further teaches the mass storage subsystem comprises a plurality of hard disk drives (column 29, lines 33-41).

Taking claim 17 as an exemplary claim, claim 17 is also rejected for the same reason set forth in claims 2 above.

Claims 19 and 21-23 are also rejected for the same reason set forth in claims 4, 7-8, and 10, and 17 above.

7. Claims 3, 5-6, 11, 18, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over both Belknap and Real as applied claims 1 and 17 above, and further in view of RealNetworks, "RealServer Administration Guide", <http://service.real.com/help/library/guides/g270/realsvr.htm> (hereinafter Administration).

Taking claim 3 as an exemplary claim, both Belknap and Real fail to teach the asset group is limited to a maximum number of simultaneous playouts.

In a communication system, Administration discloses the asset group is limited to a maximum number of simultaneous playouts for the media assets contained within the asset group and further comprises an attribute that designates the number of simultaneous playouts (pages 209-211).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify both Belknap and Real, and further in view of Administration by limiting the asset group to a maximum number of simultaneous playouts because this feature enable the server to lower threshold of the connections. One of ordinary skill in the art at the time of the invention would have been motivated to modify both Belknap and Real, and further in view of Administration in order to avoid bottleneck and system crash.

Taking claim 5 as an exemplary claim, both Belknap and Real fail to teach the asset group is associated with a guaranteed possible playouts value that guarantees the number of playouts from each asset belonging to the asset group assuming no other asset is being played out at the same time, further comprising an attribute which indicates the guaranteed possible playouts value.

In a communication system, Administration discloses the asset group is associated with a guaranteed possible playouts value that guarantees the number of playouts from each asset belonging to the asset group assuming no other asset is being played out at the same time, further comprising an attribute which indicates the guaranteed possible playouts value (pages 209-211).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify both Belknap and Real, and further in view of Administration by associating the asset group with a guaranteed possible playouts value because this feature increases QoS such as reliability. One of ordinary skill in the art at the time of the invention would have been motivated to modify both Belknap and Real, and further in view of Administration in order to avoid bottleneck or system crash at any given time.

Taking claim 6 as an exemplary claim, both Belknap and Real fail to teach a default guaranteed possible playouts value.

Art Unit: 2151

In a communication system, Administration discloses a default guaranteed possible playouts value (pages 209-211 i.e. "If it is 0 or blank, RealServer uses the number of streams specified by your license").

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify both Belknap and Real, and further in view of Administration by adding a default guaranteed possible playouts value because this feature increases QoS such as reliability by automatically setting possible playout value when it has not been setting yet. One of ordinary skill in the art at the time of the invention would have been motivated to modify both Belknap and Real, and further in view of Administration in order to avoid bottleneck or system crash when users forgot to set the guaranteed possible playouts value.

With respect to claim 11, Belknap teaches the media asset placement policy module. In addition, Real teaches the placement domain of the domain of the media asset to the asset group distribution of storage space and storage bandwidth.

However, both Belknap and Real fail to teach the media asset placement policy module restricts the placement domain of the domain of the media asset to the asset group distribution of storage space and storage bandwidth.

In a communication system, Administration discloses restricts the access to content by limiting the amount of bandwidth that can be in use and limiting the number of clients that can connect (chapter 14).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify both Belknap and Real, and further in view of Administration by restricting the placement domain of the domain of the media asset to the asset group distribution of storage space and storage bandwidth because this feature uses to load balancing the bandwidth. One of ordinary skill in the art at the time of the invention would have been motivated to modify both Belknap and Real, and further in view of Administration in order to share the bandwidth among the asset groups.

Claim 18 is also rejected for the same reason set forth in claims 3 and 17 above.

Claim 20 is also rejected for the same reason set forth in claims 5-6 and 17 above.

With respect to claim 24, both Belknap and Real teach a server computer for use in a client server computer architecture, the server sending media assets over a computer network to a client computer, the server having at least one file system organized into a plurality of asset groups, each asset group comprising a plurality of media assets, wherein the plurality of media assets share storage medium bandwidth and storage space on the server computer that is reserved for the asset group to which the plurality of media assets belong (as discussed in claim 1 above), wherein each media asset belongs to only one asset group (as

Art Unit: 2151

discussed in claim 2 above), wherein each asset group is limited to a maximum bit rate at which any single media asset belonging to the asset group can be played out, further comprising an attribute which indicates the maximum bit rate (as discussed in claim 4 above).

However, both Belknap and Real fail to teach each asset group is limited to a number of maximum simultaneous playouts for the media assets contained within the asset group and further comprises an attribute that designates the number of simultaneous playouts, and each asset group is associated with a default guaranteed possible playouts value that guarantees the number of playouts from each asset belonging to the asset group assuming no other asset is being played out at the same time, further comprising an attribute which indicates the guaranteed possible playouts value.

In a communication system, Administration discloses each asset group is limited to a number of maximum simultaneous playouts for the media assets contained within the asset group and further comprises an attribute that designates the number of simultaneous playouts (as discussed in claim 3 above), and each asset group is associated with a default guaranteed possible playouts value that guarantees the number of playouts from each asset belonging to the asset group assuming no other asset is being played out at the same time, further comprising an attribute which indicates the guaranteed possible playouts value (as discussed in claims 5 and 6 above).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify both Belknap and Real, and further in

Art Unit: 2151

view of Administration by limiting the asset group to a maximum number of simultaneous playouts and associating the asset group with a default guaranteed possible playouts value because those features improve QoS such as lowering the bandwidth. One of ordinary skill in the art at the time of the invention would have been motivated to modify both Belknap and Real, and further in view of Administration in order to avoid bottleneck without purchased a bigger bandwidth.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "Bandwidth optimizing adaptive file distribution," by Hutchison et al., U.S. Patent Number 6,757,736.

b. "System for adaptive video/audio transport over a network," by Aharoni et al., U.S. Patent Number 6,014,694.

c. "System and method of enriching non-linkable media representations a network by enabling an overlying hotlink canvas," by Chang et al., U.S. Patent Application Publication Number 2003/0187811.

d. "Multimedia timeline modification in networked client/server systems," by Gupta et al., U.S. Patent Application Publication Number 2002/0038374.

e. "Method and apparatus for providing continuous playback or distribution of audio and audio-visual streamed multimedia received over

Art Unit: 2151

networks having non-deterministic delays," by Goldhor et al., U.S. Patent

Application Publication Number 2002/0040403.

f. "Dynamic scalable multi-media content streaming," by Kenyon et al., U.S. Patent Application Publication Number 2002/0065925.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

Nghi V Tran
Examiner
Art Unit 2151